

To: allison.castellan@noaa.gov[allison.castellan@noaa.gov]; Waye, Don[Waye.Don@epa.gov]
Cc: Carlin, Jayne[Carlin.Jayne@epa.gov]; Sweeney, Stephen[Sweeney.Stephen@epa.gov]; jeff.dillen@noaa.gov[jeff.dillen@noaa.gov]; Byrne, Jennifer[Byrne.Jennifer@epa.gov]; Henning, Alan[Henning.Alan@epa.gov]
From: Wu, Jennifer
Sent: Mon 11/3/2014 11:29:41 PM
Subject: RE: Attn Steve, Jeff & JB - Does the Oregon CZARA FRN need to be published by 1/30/2015?

Hi Everyone – I recalled that what the attorneys decided is that we needed to notify the State by January 30, but we had time after January 30 to issue the FRN. Our tech team and managers' group had talked about our timeline and by not having to issue the FRN until after January 30, that would give us more time to make last changes as we briefed up the chain in December.

Anyway, it looks like it's good for us to all be on the same page on this, so we'll see what the attorneys say.

From: Allison Castellan - NOAA Federal [mailto:allison.castellan@noaa.gov]
Sent: Monday, November 03, 2014 1:48 PM
To: Waye, Don
Cc: Carlin, Jayne; Sweeney, Stephen; jeff.dillen@noaa.gov; Byrne, Jennifer; Henning, Alan; Wu, Jennifer
Subject: Re: Attn Steve, Jeff & JB - Does the Oregon CZARA FRN need to be published by 1/30/2015?

Don--

I agree some clarification on that point is needed but I think we may need to bring the Public Affairs folks into that conversation too. As I recall based on an earlier Mngt/Legal Team discussion, I believe it was Lynda that suggested we just need to notify the state/NWEA by Jan. 30th and the FRN notice could come out later. I don't recall the legal team objecting to this proposal.

However, as I updated the rollout plan (that tech team is reviewing) I was reminded that for us to release a press release, etc. Public Affairs may need a more concrete action (like a FRN rather than just sending the state a letter) to announce. Thus I flagged that the group should consider possibly moving the FRN publication date up to the 30th rather than sending it over the the FR on the 30th as we had last discussed in the Mngt/Legal Team. I think we've got enough time built into our clearance process that publishing it on the 30th is likely possible.

Allison

On Mon, Nov 3, 2014 at 3:33 PM, Wayne, Don <Wayne.Don@epa.gov> wrote:

Thanks, Jayne. I would like some clarification on that, myself, so I am copying our legal team for their input on this question.

Ex. 5 - Attorney Client

* Wording of Allison's recent draft rollout plan says:

Action: Release of Federal Register Notice (FRN) Announcing NOAA and EPA's Final Decision Finding that Oregon Has Failed to Submit an Approvable Coastal Nonpoint Program

Date: To comply with a settlement agreement with the Northwest Environmental Advocates, on January 30, 2015, NOAA and EPA will notify the state of our final decision. We will also inform the plaintiff and submit an FRN announcing the decision to the Office of the Federal Register for publication in the Federal Register 3-4 business days later.

-Don

From: Carlin, Jayne
Sent: Monday, November 03, 2014 1:47 PM
To: Waye, Don; allison.castellan@noaa.gov
Cc: Henning, Alan; Wu, Jennifer
Subject: RE: Please Review this Draft OW Press Planner Blurb for Oregon CZARA Decision

Looks accurate to me except I thought we planned to publish the FR Notice on January 30.

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www.epa.gov/r10earth/tmdl.htm

yosemite.epa.gov/R10/ecocomm.nsf/Watershed+Collaboration/State+Tribal+NPS

From: Waye, Don
Sent: Monday, November 03, 2014 8:03 AM
To: Carlin, Jayne; allison.castellan@noaa.gov
Cc: Henning, Alan; Wu, Jennifer
Subject: FW: Please Review this Draft OW Press Planner Blurb for Oregon CZARA Decision

Jayne, Allison and others,

See my email below. I welcome your input, too. We are supposed to submit a press planner to OW up to 90 days out of any agency action that is likely to involve a communications plan. Oregon CZARA definitely qualifies. I will be working with Lynda Hall and Anne Weinberg to finalize this blurb ASAP, and want to keep you all in the loop.

Thanks.

Don Waye
U.S. EPA - Nonpoint Source Control Branch
Phone: 202-566-1170

From: Waye, Don
Sent: Monday, November 03, 2014 10:57 AM
To: Hall, Lynda; Weinberg, Anne
Subject: Please Review this Draft OW Press Planner Blurb for Oregon CZARA Decision

Lynda and Anne,

Please review this draft OW Press Planner blurb for the Oregon CZARA decision. I have never done one of these before, and tried to follow the examples that Anne sent me last May. It strikes me that since we are planning so many communications pieces related to this action, the "Communications plan" part of the blurb is longer than the other examples I have seen. I would definitely appreciate your input on this draft before we send this up to Antonio & Travis. I am also unsure who sends the finalized blurb to whom when, so I welcome advice on that, as well. I have also attached this blurb as a Word document to facilitate edits/comments via "track changes".

Thanks.

OFFICE OF WATER PRESS PLANNER

Mid-January through early February 2015

Notice of Final Decision Finding that Oregon has Failed to Submit an Approvable Coastal Nonpoint Program

Communications plan: Cabinet report, joint letter to Oregon, desk statement, joint news release with NOAA, link to NOAA website with response to public comments and bases for decision finding, joint talking points, briefing for Oregon's Congressional delegation/staff

Description: To comply with a settlement agreement with the Northwest Environmental Advocates (NWEA), on January 30, 2015, NOAA and EPA will notify Oregon of the agencies' final decision finding that Oregon has failed to submit an approvable Coastal Nonpoint Program. The agencies will also work with the Department of Justice (DOJ) to inform NWEA. NOAA and EPA will jointly publish a Federal Register Notice (FRN) announcing this decision during the first week of February. In December 2013, NOAA and EPA announced our intent to find that Oregon has failed to submit a fully approvable coastal nonpoint program in the Federal Register for a 90-day public comment period. The agencies carefully considered all public comments received as well as additional information from the state provided in support of its program during the public comment period prior to making this final determination about Oregon's Coastal Nonpoint Program.

Don Wye
U.S. EPA - Nonpoint Source Control Branch
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